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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059944
Party	Plaintiff Peoples Club of Nigeria International Princeton Junction, NJ Branch, Inc., Peoples Club of Nigeria International-Miami Branch and Peoples Club of Nigeria International-Chicago Branch
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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
In the Matter of Trademark Registration
No.: 4,591,874.

PEOPLES CLUB OF NIGERIA :
INTERNATIONAL (PCNI), PCNI,
PRINCETON JUNCTION BRANCH,
PCNI, CHICAGO BRANCH,
PCNI, MIAMI BRANCH :

Petitioners,

VS.

PEOPLES CLUB OF NIGERIA
INTERNATIONAL, INC., a :
New Jersey Corporation,
Registrant.

December 11, 2015

Sworn deposition of DR. ANAYO UKEJE, held at
the law offices of STARK & STARK, P.C., 993 Lenox Drive,
Building 2, Lawrenceville, New Jersey, on the above
date, commencing at 10:00 a.m., before ANGELA R. WATERS,
a Certified Court Reporter, and a Federally Approved
reporter of the United States District Court for the
Eastern District of Pennsylvania.

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11/11/10 12:13

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I N D E X

WITNESS: DIRECT CROSS
ANAYO M. UKEJE.

BY MR. TAYLOR 5
BY MR. SWYERS 41

E X H I B I T S

NO.	DESCRIPTION	ID
PC-1	Letter of officers of Peoples Club of Nigeria/ International Dated July 16th, 2014.	26
PC-2	Letter of Officers of Peoples Club of Nigeria/ International	28
PC-3	Certificate entitled Instrument Establishing A. Branch	29
PC-4	Letter dated January 20, 2006 from the Office of the Secretary of State, Jesse White.	30
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PC-7	Compilation of documents Bates stamped 0352 to 0359 first page entitled "In the Federal High Court of Nigeria (Attached)	37

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LITIGATION SUPPORT PAGE

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REQUEST FOR PRODUCTION OF DOCUMENTS:

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NONE.

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STIPULATIONS:

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NONE.

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OBJECTIONS: INSTRUCTION NOT TO ANSWER:

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TESTIMONY MARKED:

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NONE.

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1 Dr. ANAYO MICHAEL UKEJE, after having
2 duly been sworn was examined and testified as
3 follows:

4 DIRECT EXAMINATION

5 BY MR. TAYLOR:

6 Q. Good morning, Dr. Ukeje.

7 A. Good morning.

8 Q. My name is Matthew Taylor. I'm an attorney
9 here at Stark and Stark. And I represent the
10 Petitioners in the pending lawsuit pending before the
11 TTAB.

12 A few minutes ago the court
13 reporter gave you an oath. Do you understand that you
14 have an obligation to testify truthfully here this
15 morning?

16 A. I do.

17 Q. Okay. And I know we're in an informal setting
18 here in a conference room, but you understand that the
19 testimony you are about to give has the same effect as
20 if you were sitting in court before a judge?

21 A. I do.

22 Q. And the way it's going to proceed this morning
23 is I'm going to ask you a series of questions, and Mr.
24 Swyers will have an opportunity to ask you questions.
25 And we just ask that you verbalize your responses to

1 those questions.

2 A. Okay.

3 Q. Because there's going to be a written
4 transcript of this morning's proceeding --

5 A. Okay.

6 Q. -- which is going to be filed with the TTAB.
7 Okay? Do you understand that?

8 A. I understand.

9 Q. Okay. Great.

10 And at this point I think we can
11 just go ahead and just get started.

12 Can you start off and just give
13 me a description of your educational background
14 following grade school?

15 A. I hold a Doctorate degree in Chemical
16 Engineering from Imperial College, University of London.
17 And a Master's degree in chemistry from the University
18 of Lagos, Nigeria. And a Bachelor's degree in Chemistry
19 from the University of Maiduguri, Nigeria.

20 Q. When did you receive your PhD degree, what
21 engineer?

22 A. My PhD degree I completed in 1999. And
23 I graduated in 2000 -- 2000.

24 Q. Okay. Can you just give me a brief description
25 of your professional background?

1 A. Yes. I am currently a manager of Technical
2 Operations with Pfizer, Inc. My background is in
3 R and D, Research and Development in pharmaceutical
4 products. Spanning over 15 years I have worked in
5 various capacities. As recently I was a principal
6 consultant with Inspiron, Lake Forest, Illinois.

7 Senior Development Engineer with CPS,
8 Catlon Pharmaceutical Solutions. And down the line
9 I also was manager of Process Development and Clinical
10 Supply with a small company called Nastich, involved in
11 Washington State. N-A-S-T-I-C-T-H, Nastich.

12 Q. And Doctor, where do you currently live?

13 A. I live at 7717 -- 7717 Keller K-E-L-L-E-R,
14 Avenue, Skokie, Illinois 60076 --

15 Q. How long --

16 A. -- in the State of Illinois.

17 Q. Okay. I'm sorry.

18 And how long have you been at
19 that address?

20 A. Over nine years.

21 Q. All right. Thank you.

22 And, sir, I'm going to ask you
23 now, can you generally tell us what is the Peoples Club
24 of Nigeria International?

25 A. The Peoples Club of Nigeria International is a

1 social club for cause in organizing and hosting events
2 for members in order to encourage them to interact
3 socially and network with each other.

4 Q. Okay. Can you tell me generally what is the
5 Peoples Club of Nigeria?

6 A. Peoples Club of Nigeria is a version of the
7 club that is registered in Nigeria with the headquarters
8 at Onitsha and a number of states in Nigeria.

9 Q. Okay. Are you familiar with the term
10 "PCNI Branch"?

11 A. I am very familiar with the term PCNI Branch.
12 It means Peoples Club of Nigeria International,
13 registered in their respective locations voluntarily
14 affiliated with other branches to form an entity. The
15 independent entities are called "branches."

16 Q. Okay. And do these branches operate in the
17 United States?

18 A. They do.

19 Q. Okay. Approximately how many PCNI branches are
20 there in the United States currently?

21 A. Roughly, today, there are 23.

22 COURT REPORTER: 23?

23 THE WITNESS: Yes, two, three.

24 BY MR. TAYLOR:

25 Q. Okay. And can you describe your involvement

1 and relationship to the PCNI organization?

2 A. As a -- as a -- my involvement includes
3 organizing. I'm happy to register Peoples Club of
4 Nigeria International, Chicago, Illinois with the State
5 of Illinois, organizing and helping to recruit members
6 that were elected into the executive offices of the
7 club, organizing and helping to affiliate Peoples Club
8 of Nigeria International, Chicago branch, which order
9 Peoples Club Nigeria, Inc branches in USA and Canada
10 organizing and helping to affiliate Peoples Club of
11 Nigeria International Chicago with peoples Club PCN
12 Nigeria headquarters at Onitsha.

13 MR. TAYLOR: For the record I
14 think it's O-N-I-T-C-H-A (sic.)

15 BY MR. TAYLOR:

16 Q. Can you tell me what positions and titles
17 you've had with PCNI Chicago?

18 A. I am the founding Chairman of Peoples Club of
19 Nigeria International, Chicago; the Chairman of the
20 Board of Directors of the Peoples Club of Nigeria
21 International, Chicago and Special National Officer of
22 the Peoples Club of Nigeria International.

23 Q. Okay. Can you tell us what steps are required
24 to establish a PCNI branch such as PCNI Chicago?

25 A. Typically, in Illinois, where peoples club of

1 Nigeria international Chicago is registered. Minimum
2 three trade directors are required to file application
3 with the State of Illinois, and once that application is
4 accepted, the next step is to recruit and elect the
5 branch executive officers, appoint commentaries and the
6 members, which are required to operate the branch.

7 Q. Okay. And can you tell me how an individual
8 would become a member of a PCNI branch?

9 A. For an individual to become a member of Peoples
10 Club of Nigeria International branch, the member has to
11 apply to the local branch, pay the application fee,
12 registration fee, induction fee as prescribed by the
13 local bylaw of the branch.

14 Q. And are you currently a member of
15 PCNI Chicago?

16 A. I am.

17 Q. Okay. And can you tell us again when you first
18 became a member of PCNI Chicago?

19 A. Became a member of PCNI Chicago in 2005 when we
20 started organizing and collecting materials to register
21 PCNI in Chicago as one of the directors.

22 Q. When was PCNI Chicago registered with the State
23 of Illinois?

24 A. It was registered in January 2016 (sic.)
25 Sorry. January 2006.

1 Q. January 2006.

2 A. Yes. Sorry.

3 Q. Okay. And to your knowledge, does PCNI have
4 operations internationally, or --

5 A. Yes.

6 Q. Okay. And in what countries?

7 A. PCNI have operations in the United States,
8 Canada, and United Kingdom.

9 Q. Can you tell us the relationship between PCNI
10 branches operating in the United States and PCN?

11 A. Their relationship between the PCNI and PCN are
12 derived from voluntary affiliation of the independent
13 entities registered in the United States with the
14 central entity registered in Nigeria called the "PCN."

15 Q. What oversight, if any, does PCN have in the
16 operations of a PCNI branch operating in the United
17 States?

18 A. Basically they derive from the relationship is
19 a common -- is a common national and international
20 executives elected by participating branches to form the
21 National Executive Officers, and the Central Executive
22 Officers to operate -- and to operate the affiliation or
23 manage the alliance. So that is where members,
24 particularly of the affiliation of the annual meeting
25 makes decision and interacts socially and commune with

1 each other culturally.

2 Q. And I believe you testified to this, but where
3 do PCNI branches operating in the United States register
4 as entities?

5 A. They are registered in the state where they
6 reside.

7 Q. And to your knowledge, do branch members of
8 PCNI branches in the United States pay dues to PCN?

9 A. No.

10 Q. Okay. And do branch members make financial
11 contributions to their PCNI branch?

12 A. They do in the form of annual dues.

13 Q. And can you just explain --

14 A. They do pay the dues to the local branch in the
15 form of annual dues to maintain their membership and to
16 administer the local branch.

17 Q. Okay. I'm going to change subjects here and
18 ask you about the trademark at issue in this lawsuit.

19 Are you familiar with the
20 trademark --

21 A. Yes.

22 Q. -- at issue in this lawsuit?

23 A. Yes.

24 Q. Can you describe that trademark?

25 A. The Trademark is made up of three rings: The

1 blue, the red, and the yellow with the red crossing the
2 blue, and the yellow crossing the red, and vice versa.

3 Q. Okay. To your knowledge has the mark that you
4 just described been used by PCNI branches operating in
5 the United States?

6 A. Yes.

7 Q. Can you tell us when the US branches of PCNI
8 started using that mark?

9 A. They started using the marks during the
10 registration of the PCNI in their respective state and
11 localities. After the registration of PCNI, before the
12 affiliation to the other PCNI branches in the United
13 States, after the affiliation of the other PCNI in the
14 United States, before the affiliation to PCN in Nigeria
15 and after that affiliation to the PCN in Nigeria. By
16 the way the affiliation to the PCN in Nigeria is called
17 Inductions -- called chartering of inductions. It's
18 called chartering of inductions of a branch.

19 Q. And to your knowledge, approximately what year
20 did a PCNI branch operating in the United States start
21 to use the mark?

22 A. To my knowledge, the first PCNI branch in
23 United States started using the mark as far back as
24 1989. That would be Houston. That was eventually
25 chartered, meaning affiliated to the PCN in Nigeria in

1 1990.

2 Q. Was Houston the first PCNI branch to operate in
3 the United States?

4 A. It was the first PCNI branch to operate in the
5 United States and to operate internationally outside
6 Nigeria.

7 Q. When did PCNI Chicago start using the
8 trademark?

9 A. The PCNI Chicago started using the Trademark
10 from 2005 during the registration, after the
11 registration in 2006, and continued to use it before and
12 after affiliation with other branches in US and
13 continued to use it after affiliation with the PCN in
14 Nigeria and continued to use it to date.

15 Q. And there hasn't been any stop or any gap in
16 the usage of the mark by the PCNI Chicago branch?

17 A. No, there hasn't been any gap.

18 Q. Can you describe to us how did PCNI use the
19 mark?

20 A. PCNI used the mark in the letterheads to
21 advertise for the meetings and for first international
22 to affiliate with other branches in USA and Canada and
23 UK and affiliated with PCN in Nigeria.

24 Q. So I'm clear, the use you just described, did
25 PCNI Chicago use the mark for those purposes?

1 A. Yes.

2 Q. Okay. Thank you.

3 Is PCNI Chicago still a
4 registered entity presently?

5 A. Yes, it is.

6 Q. Okay. And it's registered in the State of
7 Illinois?

8 A. Yes.

9 Q. Okay. All right. Thank you.

10 Can you tell me, what is PCNI,
11 Inc.?

12 A. The PCNI, Inc., is a registrant. The PCNI that
13 is registered in the State of New Jersey.

14 Q. Okay. And to your knowledge is PCNI, Inc, an
15 entity registered in Nigeria?

16 A. No.

17 Q. Okay. I want to talk about PCN again.

18 And can you tell me, to your
19 knowledge, who is the lawful President of PCN in
20 Nigeria?

21 A. It's Chief Sam Iwuchukwu. Iwuchukwu is spelled
22 I-W-U-C-H-U-K-W-U, Iwuchukwu.

23 Q. Who else claims to be the President of PCN?

24 A. It was an appointed President and his name is
25 Chief Joe Ilonze. He was appointed by Igwe, PC.

1 Q. Can you tell spell that for us?

2 A. Ilonze, Joe Ilonze, I-L-O-N-Z-E.

3 Q. And you said he was appointed by who?

4 A. Igwe, I-G-W-E, P.C. Ezenwa, E-Z-E-N-W-A.

5 Q. Okay. And who is Mr. Ezenwa?

6 A. Igwe Ezenwa is one of the two surviving
7 PCN Trustees registered in Nigeria.

8 Q. Okay. Can you tell us, briefly, why there is a
9 dispute over who is the President of PCN?

10 A. The background is that the election scattered
11 to hold at PCN headquarters at the end of Chief Fa
12 Onwuachuo President -- Onwuachuo is O-N-W-U-A-C-H-U-O,
13 Onwuachuo's presidency in 2012.

14 And when the affiliated members
15 from US, Canada, UK go to Nigeria, Igwe P.C. Ezenwa and
16 his supporters refused for the election to hold; rather
17 they appointed their supporters to run the affairs of
18 the club for one year.

19 In addition to that, Igwe P.C.
20 Ezenwa unilaterally changed the decision of AGM on
21 several issues, including the running of the election.
22 And that led to US patrons, the PCNI US patrons suing
23 Igwe P.C. Ezenwa and his supporters. This lawsuit,
24 Igwe P.C. Ezenwa and his supporters challenged -- they
25 challenged the lawsuit on the basis that the USA patrons

1 has no legal standing to sue the PCN, Igwe P.C. Ezenwa
2 and his supporters in Nigeria. The case was in High
3 Court, Federal High Court, Awka, A-W-K-A. And the judge
4 decided that the US patrons have legal standing to sue.

5 Once that lawsuit was -- once the
6 challenge to the lawsuit was lost by Igwe P.C. Ezenwa
7 and his supporters --

8 MR. SWYERS: Forgive me, Doctor.

9 Sorry. If I may just interrupt, I just want
10 to, again, put down a continuing objection for
11 hearsay in regard to what any court ruled in
12 Nigeria.

13 Subject to my objection, you are
14 free to continue to testify.

15 A. Yes. What I'm just finding for now is
16 documented and the document is available. The position
17 of the court in Nigeria, the document is available. And
18 once that challenge was lost, Igwe P.C. Ezenwa and his
19 supporters started a series of literary measures against
20 those who felt to condemn the lawsuit fired by the US
21 patrons. And some of the measures they undertook
22 include alleged suspicion of PCNI members, alleged
23 expulsion of PCNI members, alleged dissolution of PCNI
24 branches, and that led to additional lawsuits by PCNI
25 branch executives for which I am the Plaintiff in

1 Nigeria.

2 This has brought about the split of
3 Peoples Club of Nigeria, and Peoples Club of Nigeria
4 International affiliation into two. And today there are
5 two groups of Peoples Club of Nigeria, two groups of
6 Peoples Club of Nigeria International, one group
7 supporting Igwe P.C. Ezenwa, and the other group
8 supporting the remaining registered trustees. There are
9 two trustees: One is Igwe P.C. Ezenwa, and the second
10 remaining one is Eze Desmond Oguguo. Eze, E-Z-E, and
11 then the name Desmond, D-E-S-M-O-N-D, and the last name
12 Oguguo, O-G-U-G-U-O. O-G-U-G-U-O.

13 Q. We'll discuss the difference in a second here.

14 I want to ask you to go back to
15 something you just mentioned though.

16 And can you tell me what year
17 did Mr. Ezenwa refuse to hold or participate in the
18 election?

19 A. That was 2012.

20 Q. Can you tell me what month approximately, if
21 you remember?

22 A. December 2012 at the NY General Meeting where
23 the election was properly scheduled.

24 Q. And the lawsuit that you were discussing, can
25 you tell me who were the parties to that lawsuit as best

1 as you remember?

2 A. The first lawsuit that was filed February 2013.
3 The parties to the lawsuit, include Professor Gordian
4 Ndubizu, who's a patron PCNI, US; Dr. Fabian Eluma is a
5 patron PCNI US; Dr. Uche Eze. Uche is U-C-H-E, Eze,
6 E-Z-E. He is a patron of PCNI US.

7 Q. Who were the Defendants?

8 A. The Defendants in the lawsuit was
9 Igwe P.C. Ezenwa, and the Board of PCN Nigeria, where --
10 I mean -- is the Defendant.

11 Q. Okay. And you identified two different
12 factions or groups a few minutes ago.

13 And can you tell me what is the
14 name of the group that supports Mr. Ezenwa?

15 A. The group that support Igwe P.C. Ezenwa, we
16 call them the Pentagon, meaning they are the group that
17 is in support of the violation of the Club 1979
18 Constitution that called for election at AGM and for
19 which Igwe P.C. Ezenwa refused to hold. We called them
20 the Pentagon. Igwe P.C. Ezenwa and his supporters that
21 are in violation of the club's constitution that
22 resulted in the patron's lawsuit.

23 Then the patrons that filed the
24 lawsuit, and the Trustee, the only remaining Trustee, is
25 Eze Desmond Oguguo. Their group and their supporters

1 are called the Progressives.

2 Q. Okay. Now, do you know Dr. Iddi Mgbako?

3 A. I do.

4 Q. And how do you know him?

5 A. Um -- since I become a member of Peoples Club
6 of Nigeria International, which is 2005, I know him as
7 equally a member of Peoples Club of Nigeria
8 International, Princeton branch. And I have interacted
9 with him at Princeton Convention 2009. He was at my
10 branch at the induction of new members, admission of new
11 members in 2012 as a patron of Peoples Club of Nigeria
12 International.

13 Q. Of those two groups you just testified about,
14 do you know what group Dr. Mgbako is a member of?

15 A. Dr. Mgbako is a member of Pentagon Group and
16 acts for Pentagon Group, performs functions.

17 Q. How about you, what group are you a member of?

18 A. I belong to the Progressive Group, the group
19 that is fighting for the restoration of rule of law, and
20 respect for the club's constitution.

21 Q. Okay. Thank you. So I want to turn your
22 attention now.

23 Did someone at PCN attempt to
24 expel you from PCNI?

25 A. They did. There was a group of members of PCN

1 that attended a private event at Dallas in the year
2 2013. And this group wanted various branches in US to
3 write condemning the legally filed lawsuits in Nigeria.
4 And the branches that refused to write and condemn the
5 lawsuit, they decided -- this group decided from PCN
6 that they would expel anybody who refused to write,
7 dissolve any executive branch, affiliated branch that
8 refused to write, dissolve any branch that could not put
9 the caretaker committees. Three events: Write and
10 condemn properly a filed lawsuit. Failure to do that,
11 they will expel you and dissolve the executives, and put
12 a caretaker committee in that branch. If they cannot,
13 or they fail -- if they fail to succeed in putting the
14 caretaker committee, they would dissolve the branch.

15 Q. Okay. You're saying "they." Can you just tell
16 me, to your knowledge, who was present at this meeting
17 and made these decisions?

18 A. The person that was present at this meeting was
19 appointed President Chief Joe Ilonze. It was the legal
20 present was Mr. Igwe P.C. Ezenwa. It was the legal
21 advisor was Mr. Onyechmaeke -- I'm going to spell that
22 one.

23 MR. SWYERS: Sorry. You got me
24 on that one.

25 A. O-N-Y-E-C-H-M-A-E-K-E, Onyechmaeke and others.

1 There were more of them.

2 Q. Okay. Were these people generally members of
3 the Pentagon? Are they generally members of the
4 Pentagon branch?

5 A. They are members of the PCN, Pentagon from
6 Nigeria, foreigners.

7 Q. Okay. And did somebody -- did someone at PCN
8 attempt to dissolve PCNI Chicago?

9 A. Yes, they did. In the similar alleged letter
10 that PCNI Chicago refused to condemn the lawsuit; rather
11 PCNI Chicago wrote to ask that all issues be resolved
12 peacefully or the legal process be allowed to play out.
13 They wrote back still alleging that they have dissolved
14 this.

15 Q. As far as you know, does PCN have the authority
16 to expel the PCNI organization that's operating in the
17 United States?

18 A. They do not. Number one, they are not members
19 of PCNI; number two, they are not American citizens;
20 number three, they don't have any right as they are not
21 part of the local branch who are registered to issue any
22 directives.

23 The ultimate authority to
24 discipline, expel, suspend, dissolve lies with the local
25 branch board and the membership, not foreign visitors.

1 Q. Okay. And I believe you testified to this --
2 but I'll ask you again -- is PCNI Chicago still a --
3 does it still exist as an Illinois entity?

4 A. Yes, it is.

5 Q. To this day it does?

6 A. To this day, yes.

7 Q. And when did Mr. Ilonze first claim to be the
8 President of PCN?

9 A. The first claim was on December 2012. And
10 there was a publication that had their claim in -- no,
11 no, I'm sorry. It's December 2013. And there was a
12 publication that -- the publication that indicated that
13 claim that I saw in December -- sorry -- in January
14 2014. So the first claim was December 2013. And it was
15 published, of course. It went public on January 2014.

16 Q. Okay. To your knowledge, when was the
17 Trademark application -- strike that. I'm sorry.

18 To your knowledge, when was the
19 application to register the Trademark at issue in this
20 lawsuit? When was that filed?

21 A. The initial application was discussed and the
22 authority to file was given by all the affiliate
23 branches, where, you know, all the affiliate branches
24 were listed, and this happened in 2010. And Dr. Iddi
25 Mgbako was appointed a temporary agent to pursue this

1 application. Dr. Mgbako was appointed by the then
2 President, Chief Fa Onwuachu -- F-A, O-N-W-U-U-A-C-H-U
3 -- to pursue this application. That was the initial
4 discussion and initial movement on the application for
5 the Trademark.

6 Q. Do you have knowledge of when the Registration
7 application was filed in 2013?

8 A. No. When it was filed in 2013, the crisis has
9 started, the group has split into two. And the PCN
10 Pentagon and their supporters went secretly, removed all
11 the names of branches and members from the Progressive
12 Group, and then went to US PTO and filed the application
13 secretly without the knowledge of the Progressive Group.

14 Q. Just so I'm clear with the timeline, that
15 secretive action that you just mentioned, when did that
16 occur?

17 A. The secret -- the filing of -- the second
18 filing of the registration for the Trademark occurred in
19 March of 2014 -- about that time range. That is after
20 the existing lawsuit to US against the -- against the
21 Pentagon and their supporters -- and multiply Nigeria
22 was up to four lawsuits against the again the PCN, and
23 their supporters. So the filing for the registration
24 occurred secretly in -- in order to avoid disclosure of
25 the various lawsuits for which the two groups were

1 involved.

2 Q. Okay. I believe you testified that in December
3 of 2013 there was an election that was held, or there's
4 a dispute about an election. Can you clarify that
5 again?

6 A. Yes. In December 2012 the election was
7 scheduled. And PCNI is -- the registered Trustee, who,
8 by the way, have solved out his trustees five years and
9 another five years, a total of 10 years. He sat for
10 another five years, and he refused to go. The PCNI
11 refused for the election to be held in December 2012.
12 Then in December 2013, he called his group.

13 Q. Who's "he"?

14 A. The Pentagon Group. PCNI's Ezenwa called the
15 Pentagon Group and his supporters and appointed Chief
16 Joe Ilonze and Mr. Smart Ebere -- Ebere is E-B-E-R-E --
17 as the Pentagon PCN President and Pentagon PCN secretary
18 respectively. This occurred December 2013.

19 Q. To your knowledge did the Petitioners in this
20 action have any sort of disagreement with Mr. Ilonze and
21 Mr. Ebere?

22 A. Yes, we do. The Petitioners in this -- in this
23 Trademark have an existing lawsuit filed on behalf of
24 the branches for -- I mean against Ilonze, and Eze
25 Oguguo and the Pentagon, because of illegal actions they

1 took against the Progressives and the Petitioners, first
2 of all, to write letters alleging that they've
3 expelled -- alleging that they have dissolved elected
4 local branches, alleging that they have dissolved some
5 branches, including Chicago, Princeton Junction and
6 Miami branches.

7 So we filed a lawsuit, meaning
8 the Chairman of branches of the Progressives filed a
9 lawsuit in Nigeria to stop them from the illegal
10 activities -- meaning in the US, to stop the PCN and
11 Pentagon from illegal activities they are doing in the
12 US.

13 Q. Okay.

14 MR. TAYLOR: Mat, I want to show
15 the witness PC-1.

16 BY MR. TAYLOR:

17 Q. I want to show you what's been marked as PC-1.

18 MR. TAYLOR: Do you have the
19 documents there?

20 MR. SWYERS: I do. And thank you
21 for sending them down as always.

22 MR. TAYLOR: Okay. I'm going to
23 hand this to the witness now, so you know also
24 just like we've done the last couple, I gave
25 a copy of all the exhibits to the court

1 reporter, so she has a copy here that's been
2 marked.

3 MR. SWYERS: Thank you. Much
4 appreciate it.

5 MR. TAYLOR: For the record,
6 I just handed a document that's been marked
7 PC-1 bearing Bates stamped Petitioners 0236.
8 And I've handed this to the witness.

9 BY MR. TAYLOR:

10 Q. And, Dr. Ukeje, do you recognize this document?

11 A. Yes, I do.

12 Q. Okay. Can you tell us what this document is?

13 A. This is the letter heading of the contending --
14 the properly elected officers of Peoples Club of Nigeria
15 International headed by Chief Sam Nwigwe.

16 Q. Is Sam's name identified on this document?

17 A. Yes.

18 Q. Okay. What is this --

19 A. Sam's name is identified in this document as
20 the President.

21 Q. Okay. And do you see a date on this document?

22 A. Yes, I see a date of 16th July 2014.

23 Q. Okay. And the letterhead at the top, it
24 indicates "Peoples Club of Nigeria International."

25 A. Yes.

1 Q. Do you see that? Do you have any idea why the
2 word "International" is on the letterhead? I believe
3 you testified that Sam is the President of PCN?

4 A. Yes. President of PCN. And by the virtue of
5 affiliation of PCNI through the affiliation we become --
6 I mean through that affiliation we work together under
7 one president of PCN and PCNI.

8 Q. Okay. Do you believe this is a true and
9 accurate copy of this letterhead?

10 A. Yes.

11 Q. Is is. Okay. Thank you. You can put that
12 right there.

13 MR. TAYLOR: Mr. Swyers, I'm
14 going to show the witness what's been marked
15 as PC-2.

16 MR. SWYERS: Thank you.

17 BY MR. TAYLOR:

18 Q. Dr. Ukeje, I've handed you a document that's
19 been identified as PC-2. And it's bearing Bates stamped
20 Petitioner 0237.

21 Are you familiar with this
22 document?

23 A. Yes, I've seen this document probably at least.

24 Q. Can you tell me what this document is?

25 A. This document is purported officers of PCN,

1 Pentagon Group.

2 Q. Okay. And what is this document dated?

3 A. The date on the document I'm looking at is
4 15/04/2015.

5 Q. Okay. And is there -- who is the identified
6 President of the organization on this document?

7 A. It's Chief Joe Ilonze.

8 Q. And is this a true and accurate copy of this
9 letterhead?

10 A. I wouldn't say it's not something I've
11 identified.

12 Q. Okay. I'm asking if you disagree -- if you
13 agree that Mr. Ilonze is the President. I'm just asking
14 is this a true and accurate copy of the letterhead he
15 would have used and a letter he would have sent to your
16 knowledge?

17 A. Again, to my knowledge it is a copy of the
18 letterhead just shown to me before. It's a copy of it.

19 Q. Okay. Okay. Thanks.

20 MR. TAYLOR: Mat, I have PC-3 I'd
21 like to show the witness.

22 MR. SWYERS: Thank you.

23 BY MR. TAYLOR:

24 Q. Dr. Okeje, I handed you a document that's been
25 premarked PC-3, bearing Bates stamp Petitioners 0165.

1 And do you recognize this
2 document?

3 A. I do.

4 Q. Okay. What is this document?

5 A. This is the certificate issued to Peoples Club
6 of Nigeria International, Chicago branch, after their
7 affiliation with other branches and PCN.

8 Q. And okay. How do you recognize this document?

9 A. I recognize the signature -- my signature --
10 first of all at the middle, that's my signature. At the
11 extreme right, that's the signature of the then
12 President, Chief Iwuchukwu. And at the left is the
13 signature of the then secretary, Mr. Okechekuukwu.

14 Q. Do you believe this to be a true and accurate
15 copy of this document?

16 A. It is.

17 Q. Okay. All right. Thank you.

18 MR. TAYLOR: Mat, I have here
19 PC-4 I'd like to show the witness.

20 A. Yes.

21 Q. Dr. Ukeje, I've handed you a document
22 identified as PC-4, bearing Bates stamp Petitioner's
23 0167 through 0169. Do you recognize this document?

24 A. Yes, I do recognize this document. That comes
25 from the State of Illinois acknowledging the application

1 to register Peoples Club of Nigeria International
2 Chicago branch.

3 Q. Okay. And how do you recognize this document?

4 A. My name is in this document as one of the three
5 directors that initially applied for Peoples Club of
6 Nigeria International to be registered. And my
7 signature is on the third page to indicate that I was
8 part -- one of the three directors that originally
9 applied to the State of Illinois for PCNI Chicago and be
10 registered.

11 Q. This application was made in 2006; is that
12 right?

13 A. The application was made in 2005, the response,
14 which is the one we're looking at -- sorry -- let me
15 just go back and make sure. Yes, the application was
16 made in 2006.

17 Q. Okay. And do you believe this to be a true and
18 accurate copy of this document?

19 A. It is.

20 Q. Okay. Thank you.

21 MR. TAYLOR: Mat, I have here
22 PC-5 I'd like to show the witness.

23 A. (Witness reviews document.)

24 Q. Dr. Okeje, I've handed you a document that's
25 been premarked as PC-5, bearing Bates stamp Petitioners

1 0239 and 0240.

2 And can you tell me, do you
3 recognize this document?

4 A. Yes, I recognize this document.

5 Q. Okay. Can you tell us what this document is?

6 A. This --

7 MR. SWYERS: If I may just interject
8 briefly, I'll just interject an objection on
9 the grounds of hearsay.

10 Subject to my objection, Doctor, you
11 can continue to testify. Thank you.

12 BY MR. TAYLOR:

13 Q. And do you recognize this document?

14 A. I do.

15 Q. Okay. How do you recognize this document?

16 A. This is a document sent to me as an attachment,
17 an e-mail by Mr. Smart Ebere, E-B-E-R-E, complaining
18 about the action taken by the Progressive Group against
19 the Pentagon Group for the illegal activities of the
20 Pentagon Group in US. And the action that's been
21 complained of happened in October 2013 at Washington,
22 D.C. PCNI branch.

23 Q. Okay. Without looking at the document -- or
24 reading from the document, can you just tell me what is
25 your understanding of why this was sent to you by Mr.

1 Ebere?

2 A. The reason why it was sent to me by Mr. Ebere
3 was I recorded the document, the communique, after the
4 meeting of October 5, 2013 at Washington, D.C. So he
5 saw my name as the person that recorded it, the
6 communique that called out the illegal activities. That
7 is why he sent a personal document -- a personal
8 response to me.

9 Q. Okay. Can you just tell us again who is Smart
10 Ebere and what title does he have?

11 A. Smart Ebere was the PCN Pentagon appointed
12 Secretary in Nigeria.

13 Q. Okay. And, presently, do you know what his
14 title is?

15 A. He's still the appointed secretary with Ilonze,
16 serving with Ilonze as the appointed secretary with
17 Ilonze.

18 Q. Okay. And the best you can remember, can you
19 briefly tell me who was in attendance at this
20 Washington, D.C. meeting on October 5, 2013?

21 A. One of the two surviving trustees -- there are
22 two trustees of PCN: One of them is Desmond Oguguo, who
23 was in attendance at the Washington, D.C. meeting, the
24 US patrons, all three of them: Professor -- US patrons
25 Dr. Eluma Fabian, Dr. Uche Eze, that sued in Nigeria,

1 and all of the Progressive branch Chairman, and members
2 of Progressive branches in America where they were
3 present at the Washington, D.C, meeting, where the
4 illegal activities of the Pentagon was discussed and the
5 press release issued. It was that press release that
6 elicited Mr. Smart Ebere's response to me.

7 Q. When was this response -- when did Mr. Ebere
8 send you this response?

9 A. If I remember, he sent this response about
10 October 2013 --

11 Q. Okay.

12 A. -- after he has read and digested the press
13 release early around in October 5, 2013.

14 Q. And this document marked as PC-5, is this a
15 true and accurate copy of this letter that was sent to
16 you from Mr. Ebere?

17 A. Yes.

18 Q. Okay. All right.

19 MR. TAYLOR: Mat, I have here
20 PC-6 I'd like to show the witness.

21 MR. SWYER: Thank you. Since I'm
22 actually speaking, though I don't have to
23 interrupt the witness, I would just
24 object respectively to PC-6, also on the
25 grounds of hearsay.

1 Subject to the objection, the
2 witness can testify and also, if I may,
3 let me just put -- so I don't have have
4 to jump in every 10 seconds or so -- a
5 standing objection on the grounds of
6 hearsay to anything the witness testifies
7 to that was told to him by somebody else
8 or somebody else who is not a party to
9 this, or otherwise, also on the grounds
10 of hearsay. Thank you.

11 BY MR. TAYLOR:

12 Q. Okay. Dr. Ukeje, I've handed you a document
13 that's been identified as PC-6, Ebere Bates stamp
14 Petitioner 0269 through 0278.

15 And can you tell me, do you
16 recognize this document?

17 A. I do recognize this PC-6.

18 Q. Okay. And generally, what is this document?

19 A. The PC-6 was my personal response to PC-5.
20 That is the response I wrote for the Ebere Smart, Ebere
21 PC-5.

22 Q. Okay. And did you prepare this document?

23 A. I did prepare the document. Then I sent it to
24 the publicity of Peoples' Club of Nigeria International
25 Chief Kennedy Nwalozie, N-W-A-L-O-Z-I-E to review.

1 Q. And can you tell us, generally, what it was --
2 what message you conveyed in this e-mail?

3 A. What it was -- what I did with this, my
4 response, is to clarify to Mr. Smart Ebere the basis for
5 the communique, the press release for which he wrote me
6 personally, and make him understand that he is not a
7 member of PCNI; that he does not -- he and his
8 supporters, the Pentagon, do not have power in the
9 United States to remove elected executives or dissolve
10 branches registered in accordance with the rules and
11 state laws. And that all the activities that are
12 carried out in the United States are illegal, null and
13 void. That was the thrust of my response to his
14 personally related to me.

15 Q. Okay. And who did you send this e-mail to?

16 A. I sent it directly to Ebere in response to his
17 own e-mail, copied P.C. Ezenwa, all the Pentagon members
18 that can get e-mail, all of the Progressive members in
19 the e-mail list, because I have a comprehensive e-mail
20 list of all of them.

21 Q. When did you send this e-mail to those
22 individuals?

23 A. I sent out this e-mail, specifically, on
24 Wednesday October 23, 2013, 1:21 p.m.

25 Q. After you sent this, did you receive a

1 response?

2 A. No, that was the end of my exchange with Mr.
3 Smart Ebere.

4 Q. Okay.

5 MR. TAYLOR: Mat, I have here
6 a document PC-7, which I'd like to show to the
7 witness.

8 MR. SWYERS: No objection in
9 showing it to the witness and him
10 authenticating it once again.

11 I'll just put a standing
12 objection on the record for any testimony
13 concerning rulings, things the court may have
14 said or others may have said all under the
15 guise of hearsay. Thank you.

16 BY MR. TAYLOR:

17 Q. Okay. Dr. Ukeje, I've handed you what has been
18 marked for identification PC-7, bearing Bates stamp
19 Petitioners 0352 through 0359. And do you recognize
20 this document?

21 A. Yes, I do recognize the document.

22 Q. Okay. Can you tell me what this document is?

23 A. This is the lawsuit in which I'm the Plaintiff,
24 I'm No. 11 on this lawsuit, we filed against the
25 Pentagon Igwe P.C. Ezenwa and their supporters against

1 the illegal activities of alleged expulsion, suspension
2 and dissolution of branches in Nigeria.

3 Q. Whose interest do you represent in this
4 lawsuit?

5 A. We represent -- I mean I represent the
6 interest of Peoples Club of Nigeria International
7 Chicago branch in this lawsuit as part of the Peoples
8 Club of Nigeria International.

9 Q. Okay. Can you tell me what relief you are
10 seeking in this lawsuit, generally?

11 A. Yeah. The relief I was seeking in this lawsuit
12 is very simple. We are asking the judge to declare that
13 there are -- the Defendant has no right to carry out the
14 action they are carrying out in the United States; that
15 is to say, a declaration: We're asking the judge to
16 declare that the Governing Council headed by Igwe P.C.
17 Ezenwa of the Peoples Club of Nigeria is not properly
18 considered by the National Executive Committee -- a
19 declaration of the court to say that the Peoples Club of
20 Nigeria is not properly constituted by the National
21 Executive Committee of Peoples Club of Nigeria, and the
22 general -- at the general meeting of Nigeria; no. 2, we
23 want the judge to declare in the absence of
24 constitutionality, that they do not have the right,
25 because they do not have elected officers of Peoples

1 Club of Nigeria as required by the constitution. They
2 do not have the support of National Executive Committee
3 and general membership to lawfully operate Peoples Club.

4 We're asking the judge to declare
5 that all the peoples sued -- which are 10 of them --
6 called the Defendant -- are naming the President and
7 Council are illegal. The club -- and the club has no
8 named President and Council and it's unconstitutional.
9 We want the club declared unconstitutional; and
10 therefore, they do not have a right to carry out any
11 duties under this name.

12 Finally we ask the court that we
13 are to declare illegal all the purported dissolution,
14 and/or threats of dissolution/suspension be issued by
15 face and defendant in this documents against the 5th and
16 13th Plaintiffs, including myself, to declare it null
17 and void and of no effect.

18 Q. I believe you mentioned but Mr. Ebere and Mr.
19 Ilonze are named Defendants in this lawsuit; is that
20 true?

21 A. Yes, they are, because they are appointed
22 President and secretary respectively of Pentagon.

23 Q. And can you tell me just generally what the
24 status of this litigation is? Has the court made a
25 decision on the relief that you seek yet?

1 A. The court maybe made decision to solve this;
2 that one that we are handing because there was challenge
3 initial challenge to -- face the lawsuit we in lawsuit
4 do not have standing to sue the PCN against the
5 activities illegal activities that carried out in the US
6 the court made decision on that, we have standing, on
7 this particular case, we have standing, and the court --
8 said the, solved so this exist and symptom the illegal
9 activities that carry outside in the US.

10 Q. Okay. And this document PC-7, is this a true
11 and accurate copy of the document?

12 A. Yes, it is.

13 Q. Okay. Can you turn to the last page, that's
14 Bates stamped Petitioner's 0359, and tell me what
15 that -- it appears at the bottom there's a stamp. It
16 says, "Register." Do you have any knowledge what that
17 means?

18 A. This means as a stamp of the registrar
19 authorizing this document to be solve to the
20 Defendants -- sorry, to the Defendants. And this
21 happened on Thursday, 19th of September 2013, 10:00 AM.

22 Q. To your knowledge was this document in fact
23 served on the Defendants?

24 A. Yes, it was served.

25 Q. Okay.

1 MR. TAYLOR: I want to look at my
2 notes real quick, if that's okay? Are you
3 okay? Do you need to take a break or --

4 MR. SWYERS: I'm fine. If we
5 want to go off the record for a brief second
6 so we can just chat about that.

7 (Discussion held off the record.)

8 MR. TAYLOR: I don't have any
9 other questions.

10 CROSS-EXAMINATION

11 BY MR. SWYERS:

12 Q. Doctor, again, my name is Matthew Swyers. And
13 I represent the Registrants in this matter. I just have
14 a few follow-up questions for you.

15 A. Okay.

16 Q. A couple minutes you testified that the
17 Trademark was supposed to be filed for back in 2010. Do
18 you remember telling us that?

19 A. Yes, I do.

20 Q. Okay. Great. I want to focus on your
21 attention on that 2010 timeframe, if I can.

22 Now you'll agree with me that the
23 Trademark was supposed to be filed for by PCNI, Inc., the
24 New Jersey entity, correct?

25 A. That's not correct.

1 Q. Not correct. Who was supposed to file for
2 Trademark in 2010?

3 A. 2010 Dr. Iddi Mgbako was appointed temporary
4 agent to file for the -- to file for the Trademark.

5 Q. Okay. Let's take a step back then. Okay.

6 So was he supposed to file for it
7 in his own personal name, Dr. Mgbako?

8 A. No, he's supposed to file it for the
9 PCNI affiliated branches all of the United States and
10 Canada.

11 Q. Right. As told to him by the Central Executive
12 Committee, correct?

13 A. No, as told to him by all the branches in the
14 United States holding a meeting with PCNI and the
15 Houston branch USA.

16 Q. Okay. So this occurred in Houston. He was
17 told to file for the Trademark in Houston, correct?

18 A. Yes, his meeting called in Houston in 2010.

19 Q. And that was an authorized meeting, correct?

20 A. It was a meeting, yes, of all the branches in
21 US and Canada, yes.

22 Q. Okay. And so Dr. Mgbako, at that time, was
23 authorized to file for the Trademark on behalf of --
24 we'll figure out who was there in a minute -- but on
25 behalf of the organizations, correct?

1 A. On behalf of all of the branches, including
2 Chicago, Princeton Junction, and Miami and Canada, yes.

3 Q. Okay. And so now you are saying that you do
4 not recall him being authorized to create PCNI, Inc., as
5 well; is that correct?

6 A. No, that's not what I said. He's authorized to
7 register PCNI, Inc., in the State of New Jersey, and
8 apply for the mark. Those two went to --

9 Q. The mark was going to be -- and the holder of
10 the mark was going to be PCNI, Inc in New Jersey?

11 A. Yeah, the holder of the mark was going to be
12 PCNI, Inc., owned by all the participating branches
13 including Chicago, Princeton Junction.

14 Q. Fair enough. And so the ownership, of course,
15 as you testified I believe -- correct me if I'm wrong --
16 we say that the will of the branches, but the will is
17 brought to us by the the Central Executive Committee,
18 correct, that's how you guys get together and, you know,
19 determine things?

20 A. That's not correct. The -- the decision was
21 made by all the participating branches, including PCN
22 members listed from Nigeria.

23 Q. Okay. And so what do we call that -- when
24 those get together, what would you call that?

25 A. It was a meeting of the affiliate branches,

1 including the PCN to discuss the activities for the
2 affiliation.

3 Q. But there's no organized structure of this?
4 They just all knew to get together in a city and just
5 chat about it, and whatever was chatted about it, that's
6 what we went with?

7 A. Organize, as I described before. This includes
8 all the registered PCN and PCNI branches.

9 Q. Okay. And so when these all got together in
10 Houston in 2010 -- just to make sure that I have the
11 record clear -- they authorized Dr. Mgbako to both
12 organize PCNI, Inc. -- excuse me PCI -- PCNI, Inc., the
13 New Jersey company, and then also filed for the
14 Trademark, correct?

15 A. They gave them money to register PCNI,
16 Inc., and, file for the Trademark, correct.

17 Q. Correct. Thank you.

18 One second. Forgive me. Now I'm
19 checking my notes. Give me one second here. Yes, a
20 couple more followups.

21 Q. So from all the testimony that we've heard in
22 this case, there is undoubtedly a large dispute between
23 various branches and such as to how these structured
24 PCNI and PCN are run. You would agree with me, correct?

25 A. There is no dispute.

1 If I may clarify, the way PCNI is
2 structured and run is different from the way PCN is
3 structured and run. The dispute comes from the
4 confusion from those who do not understand the
5 structure; that the both structures are different, and
6 they're all run different, accountabilities are
7 different, authorities are different. The only common
8 ground is affiliation of the independent branches in
9 America with the common branches in Nigeria called
10 "PCN."

11 Q. And perhaps it's a semantical issue, but so
12 when I say "disputes" --so there's obviously a
13 disagreement as to how things are supposed to be
14 structured, run -- whatever the case, correct?

15 A. No. There is a constitution that made it clear
16 as to how the PCN should be structured and run. It was
17 the violation of that constitution that is the subject
18 of lawsuits. And there is --

19 Q. The lawsuit hasn't been decided, has it?

20 A. I mean the critical issue of standing has been
21 decided. And the decision is on record that the PCNI
22 members of the United States and Canada has a standing
23 to sue the PCN.

24 Q. Correct. "Standing" (standi) means you have
25 the right to bring the suit; it doesn't mean that you

1 are overall correct in the dispute; you would agree with
2 me, right?

3 A. But the first challenge was we do not have a
4 right, and the decision is that --

5 Q. Correct, to bring the dispute?

6 A. The decision is that we have the right.

7 Q. Well, and so they've said we are going to hear
8 the case, but the case is ongoing; is that correct?

9 A. Yes, the case is ongoing.

10 Q. So ultimately, as you described it, you have
11 the Progressives on the one side, the Pentagon on the
12 other side, effectively, arguing about how the overall
13 organization should be run, correct?

14 A. No. What we are arguing about was the
15 violation of the Constitution, clear within the
16 Constitution, PCN Constitution by the Pentagon Group
17 that was the subject of court litigation, violation of
18 the constitution.

19 Q. Fair enough. And this starts in about 2012,
20 correct?

21 A. No, it started on February of 2013.

22 Q. February 2013?

23 A. Yes.

24 Q. Thank you.

25 And so at this juncture you are

1 aware -- you are, I believe, being called here --

2 MR. SWYERS: And Counselor,
3 please jump in if I'm incorrect --

4 Q. -- to testify on behalf of PCNI Chicago; is that
5 correct?

6 MR. TAYLOR: I would just say Dr.
7 Ukeje has been called as a fact witness that
8 has information relevant to this lawsuit.

9 So --

10 BY MR. SWYERS:

11 Q. Fair enough. All right. But knowledgeable
12 about PCNI Chicago? Is that better?

13 MR. TAYLOR: Certainly he has
14 founded he does have knowledge about that
15 entity.

16 BY MR. SWYERS:

17 Q. Okay. And again, we can agree PCNI Chicago has
18 existed since I believe you testified 2006 --
19 2007, correct?

20 A. That's correct.

21 Q. And so the disputes we are now talking about,
22 the one that ultimately leads to the Nigerian lawsuit,
23 sort of has its origin in about 2013, correct?

24 A. It has its origin on the 2012 AGM election that
25 did not hold. The lawsuit -- after our lawsuit was then

1 filed on February 2013 to correct that constitution of
2 violation.

3 Q. Okay. I'm still here. Just give me one
4 second.

5 So in 2010 -- and everyone can
6 agree, I believe, based on your testimony, that Dr.
7 Mgbako was to file for the Trademark application or was
8 to -- was given the authority to register the Trademark,
9 correct?

10 A. Register the Inc., and file the trademark for
11 all participating affiliates.

12 Q. Why was he to register the, Inc., the PCNI,
13 Inc.? It was to hold the Trademark, correct?

14 A. I don't understand the question.

15 Q. Well, when you file for a Trademark
16 application, somebody has to be the actual owner of the
17 Trademark. It has to be in the name of somebody.

18 And so Dr. Mgbako -- you are now
19 the third witness to testify in this case. And you are
20 the third witness to say that Dr. Mgbako was given the
21 authority to register PCNI, Inc. So that's pretty
22 clear. And you've also testified that Dr. Mgbako was
23 given the authority to file for the Trademark.

24 So the last sort of thing that
25 I'm just trying to put all together for us is: Well he

1 was supposed to file for the Trademark and the owner was
2 supposed to be PCNI, Inc. -- I think you'll agree with
3 me -- otherwise, what other purpose was PCNI, Inc. given
4 authority to form? Why would he have formed it,
5 correct?

6 A. If I understand you, the owner of PCNI, Inc.,
7 are the all affiliated branches; and, in turn, they all
8 own the Trademark. All authorities to file for the
9 Inc., and Trademark were derived from the affiliated
10 branches. The -- and because of the covenant, he lives
11 in New Jersey to act as our agent. Then is like hiring
12 a lawyer to file something for you. It's not like the
13 lawyer owner.

14 Q. Right. So I'm not saying Dr. Mgbako would be
15 the owner of this Trademark. Please don't hear me to
16 say that -- or question that as I should say, but I
17 think what we can agree, ultimately, is that PCNI, Inc.,
18 as a subsidiary, was supposed to be -- or was given the
19 authority to file for and register the Trademark, and of
20 course, the contingent at issue in Nigeria or otherwise
21 is who really owns PCNI, Inc.?

22 A. Exactly. And my answer is, it's owned by all
23 affiliated registered in the US, including Chicago,
24 Miami and Princeton Junction. They are the owners of
25 PCNI, Inc..

1 MR. SWYERS: Doctor, I want to
2 thank you for your testimony today. I think
3 it's been wonderfully clear, and sort of
4 setting the record straight on this. I have
5 no further questions at this juncture.

6 A. Thank you.

7 MR. TAYLOR: Thank you. I think
8 we're good. Completed.

9 (Discussion held off the record.)

10 MR. TAYLOR: Actually can we go
11 back on the record for one second?

12 MR. SWYERS: Yes, we can go back.

13 MR. TAYLOR: We're back on the
14 record now, Mat. I just wanted to move --
15 this is for Petitioners to move PC-1 to PC-7
16 into evidence at this time.

17 MR. SWYERS: Subject to the
18 hearsay objections made, I believe, on the --
19 I don't have my notes now, but it still stands
20 -- but subject to the hearsay objections that
21 I made -- give me one second -- sorry --
22 subject to the hearsay objections I made for
23 PC-5 and PC-6, I have no objection to
24 PC-1,2,3,4 and 7.

25 MR. TAYLOR: Thank you.

C E R T I F I C A T E

I, ANGELA R. WATERS, a Certified Court Reporter, Registered Professional Reporter, and a Federally Approved reporter of the United States District Court for the Eastern District of Pennsylvania, DO HEREBY CERTIFY that the foregoing is a true and accurate transcript of the stenographic notes of testimony taken by and before me at the time, place, and on the date hereinbefore set forth.

I do further certify that I am neither a relative nor employee nor attorney, nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel and I am not financially interested in this action.

DEC 29 1985

Angela P. Waters

ANGELA R. WATERS, CCR, RPR

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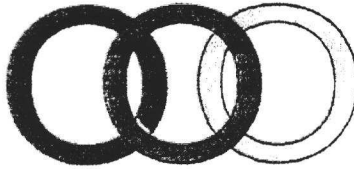
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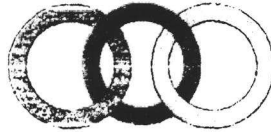


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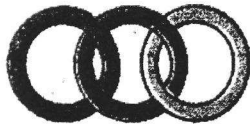
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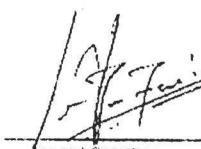
Motto: Unity, Love And Service

Instrument Establishing A Branch

This is to certify that having been satisfied that provisions of section TWENTY of our constitution have been complied with a Branch of Peoples Club of Nigeria International is this 28th day of JULY 2007 established at CHICAGO, IL

Dated this 28th day of JULY 2007


Branch Chairman


General Secretary

PLAINTIFF'S
EXHIBIT

PC-3

AW 12-11-15



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JESSE WHITE • Secretary of State

JANUARY 20, 2006

6471-558-5

ALEX CHINYERE OGOKE
1954 W IRVING PARK RD
CHICAGO, IL 60613

RE PEOPLES CLUB OF NIGERIA INTERNATIONAL CHICAGO, ILLINOIS

DEAR SIR OR MADAM:

ENCLOSED YOU WILL FIND THE ARTICLES OF INCORPORATION OF THE ABOVE NAMED CORPORATION. THE CORPORATION IS REQUIRED TO FILE AN ANNUAL REPORT EACH YEAR. BLANK FORMS WILL BE MAILED BY THIS OFFICE TO THE REGISTERED AGENT AS SHOWN BY OUR FILES APPROXIMATELY 60 DAYS PRIOR TO ITS ANNIVERSARY MONTH. (ORIGINAL DATE OF INCORPORATION).

THE REQUIRED FEE OF \$50.00 IN THIS CONNECTION HAS BEEN RECEIVED AND PLACED TO YOUR CREDIT.

THIS DOCUMENT MUST BE RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY IN WHICH THE REGISTERED OFFICE OF THE CORPORATION IS LOCATED. FOR FURTHER INFORMATION CONTACT YOUR RECORDER OF DEEDS.

CERTAIN NOT FOR PROFIT CORPORATIONS ORGANIZED AS A CHARITABLE CORPORATION ARE REQUIRED TO REGISTER WITH THE OFFICE OF THE ATTORNEY GENERAL. UPON RECEIPT OF THE ENCLOSED ARTICLES OF INCORPORATION, YOU MUST CONTACT THE CHARITABLE TRUST DIVISION, OFFICE OF THE ATTORNEY GENERAL, 100 W. RANDOLPH, 3RD FLOOR, CHICAGO, ILLINOIS 60601 TELEPHONE (312) 814-2595.

THE ISSUANCE OF THE ARTICLES OF INCORPORATION DOES NOT ENTITLE THE CORPORATION TO A PROPERTY TAX EXEMPTION. YOU MUST APPLY FOR THAT EXEMPTION THROUGH THE BOARD OF REVIEW IN THE COUNTY WHERE THE REAL ESTATE IS LOCATED.

THE DEPARTMENT OF BUSINESS SERVICES IS NO LONGER ISSUING A CERTIFICATE ATTACHED TO THE ARTICLES OF INCORPORATION AS OF FEBRUARY 15, 2002.

SINCERELY,

JESSE WHITE
SECRETARY OF STATE

DEPARTMENT OF BUSINESS SERVICES
TELEPHONE (217) 782-6961

FORM NFP 102.10 (rev. Dec. 2003)
ARTICLES OF INCORPORATION
General Not For Profit Corporation Act

Jesse White, Secretary of State
Department of Business Services
Springfield, IL 62756
217-782-9522
www.cyberdriveillinois.com

Remit payment in the form of a cashier's



CP0908475

der or
:k

Jesse White Secretary of State

FILED: 1/20/2006

64715585

PHS

File #

Filing Fee: \$50

Approved:

----- Submit in duplicate ----- Type or Print clearly in black ink ----- Do not write above this line -----

Article 1. Name of Corporation: Peoples Club of Nigeria International Chicago, Illinois

Article 2. Name and Address of Initial Registered Agent and Registered Office:

Registered Agent Alex chinyere Ogoke, Esq.
First Name Middle Name Last Name
Registered Office 1954 W. Irving Park Road
Number Street Suite No. (P.O. Box alone is unacceptable)
Chicago IL 60613 Cook
City ZIP Code County

Article 3. The first Board of Directors shall be 3 in number, their Names and Addresses being as follows:
Not less than three

Director Name	Street Address	City	State	ZIP Code
Alex Ogoke	1954 W. Irving park Road	Chicago	IL	60613
Ike Eziefule	1913 W. touhy Ave. #101	Chicago	IL	60626
Anayo Ukeje	1341 West Chase Ave. #101	Chicago	IL	60626

Article 4. Purposes for which the corporation is organized:

Charitable: Civic; Social Welfare and Social.

(continued on back)

Article 4. (continued)

Is this corporation a Condominium Association as established under the Condominium Property Act? (check one)

☐ Yes ☒ No

Is this corporation a Cooperative Housing Corporation as defined in Section 216 of the Internal Revenue Code of 1954? (check one)

☐ Yes ☒ No

Is this corporation a Homeowner's Association, which administers a common-interest community as defined in subsection (c) of Section 9-102 of the Code of Civil Procedure? (check one)

☐ Yes ☒ No

Article 5. Other provisions (attach additional pages if needed):

Article 6. Names & Addresses of Incorporators

The undersigned incorporator(s) hereby declare(s), under penalties of perjury, that the statements made in the foregoing Articles of Incorporation are true.

Dated 1/18, 2006
Month & Day Year

Signatures and Names	Post Office Address
1. <u>[Signature]</u> Signature <u>ALEX OKOKE</u> Name (please print)	1. 1954 W. Irving Park Road Street Chicago IL 60613 City/Town State ZIP
2. <u>[Signature]</u> Signature <u>IKS EZIEFULA</u> Name (please print)	2. 1913 W. Touhy Avenue, Unit 17 Street Chicago IL 60626 City/Town State ZIP
3. <u>[Signature]</u> Signature <u>ANAYO UKGJE</u> Name (please print)	3. 1341 W. Chase Avenue, Unit 101 Street Chicago IL 60626 City/Town State ZIP
4. _____ Signature Name (please print)	4. _____ Street City/Town State ZIP
5. _____ Signature Name (please print)	5. _____ Street City/Town State ZIP

Signatures must be in BLACK INK on the original document.

Carbon copies, photocopies or rubber stamped signatures may only be used on the duplicate copy.

- If a corporation acts as incorporator, the name of the corporation and the state of incorporation shall be shown and the execution shall be by a duly authorized corporate officer. Please print name and title under the officer's signature.
- The registered agent cannot be the corporation itself.
- The registered agent may be an individual, resident in Illinois, or a domestic or foreign corporation, authorized to act as a registered agent.
- The registered office may be, but need not be, the same as its principal office.
- A corporation that is to function as a club, as defined in Section 1-3.24 of the "Liquor Control Act" of 1934, must insert in its purpose clause a statement that **It will comply with the State and local laws and ordinances relating to alcoholic liquors.**

(For inserts use 8 1/2 x 11 white paper)

Printed by authority of the State of Illinois, September 2005 - 10M - C 157.14

HON (ELDER) SMART O. EBERE.

23rd October, 2013

TO: CHIEF DR. ANAYO UKAEJE
Former Chairman Chicago Branch

ANSWER TO YOUR FALLACIOUS WRITE- UP

My attention has been drawn to the grossly offensive publication in my mail; tagged "Communiqué following C.E. C. Meeting" held on October, 5th, 2013 in Washington DC. which you championed.

I and other well-meaning and bonafide members of the club viewed the write-up/Communiqué as not only malicious, but also insidious, misleading, counter- factual and surreptitiously targeted at destabilizing and arrogating undue power to the writers.

I therefore condemn the write-up in its totality especially, as the writers failed to understand that they lack power to convene the said meeting, let alone deciding and publishing such an unconstitutional and invalid decision that is not ⁱⁿ tandem with the provision of the constitution and ideals of our club.

Incase, you do not know or might have forgotten, you are not members of the club (Peoples Club of Nigeria) rather an affiliated members; which serious efforts were on ground to accommodate all, before the "Court suit turmoil" madness per-se erupted; and as such, you and your cohorts (Coups) do not have power to have made such decisions, declarations and resolutions contained in your communiqué, which have been rendered NULL, VOID AND OF NO EFFECT whatsoever by your status; as being prescribed by the constitution.

Other sane and reasonable diasporan members, who know their status and the bid of the National body to co-opt the diasporan members into the PEOPLES CLUB OF NIGERIA by way of amending the constitution to provide for your existence, operation and legality; would not engage the National body in Court Suit-duel nor join forces with you. You could

1 of 2



only deceive your kind, that is, preposterous and insane fellow into forming an unconstitutional faction.

In the light of the above, let it be clear to you (Chief Anayo Ukaeje) that you and your fellow coups are operating illegally, taking the laws into your own hands, as well as misleading law abiding members. As a professional that you are, this uncivilized and unnecessary conspiracy do not fit your pedigree. It is highly perplexing that you could engage in such.

However, for your own interest, you and your cohorts are advised to desist from such acts of insubordination, impersonation and operation hell-bent on scuttling the progress of the club.

***To be warned is forearmed!
Enough is enough to all these
Childish pranks!!***

Sign


Hon. Elder Smart O. Ebera

From: Kennedy Nwalozie <obino10k@yahoo.com>
To: aukeje <ukejema@yahoo.com>
Sent: Wednesday, October 23, 2013 5:34 PM
Subject: Re: response



see below :

Mr. Elder Smart O. Ebere,

I am not sure why you totally lost it and directed your tantrum and muddled claims towards me (the messenger). Please eschew your emotions for once and look into the dynamics and content of the communiqué again and an apology may suffice. I would have normally ignored yours below as the impetuosity of a troubled mind, but because you sounded off more than personal; I had no choice than to coach you on the very obvious content and implications of the communiqué that is giving you sleepless nights. I will forgive your seeming loutishness and enlighten you and others you copied as follows:

1. You are Not a Member of Peoples Club of Nigeria International or are you?
2. Peoples Club of Nigeria International, particularly the Branches in Diaspora have contributed well over three million Dollars (\$3,000,000.00), an equivalent of Four Hundred and Eighty million Naira (=N=480,000,000.00) since 1990. Do you know that?
3. The edifice called National Headquarters of Peoples Club of Nigeria International at Onitsha-Owerri Road, the Chalets you now live-in free, the restaurant where you eat free food, the bar/bush bar where you drink free drinks and the rental facilities from

where your bread is buttered daily belong to all of us, not you and your stooges alone. At the appropriate time you and your stooges will be constrained to render account of your activities since January 1st, 2013.

4. According to your loutish response in quote, "you are not members of the club (Peoples Club of Nigeria) rather (an) affiliated members..." Do you know the meaning and import of being "affiliated members..."? IF you do, why did you show up in Dallas in disrespect to Texas State Laws, collected over \$32,000.00 from those who are in your dreams are "Not members of the club (Peoples Club of Nigeria)" and ed money?

5. If we are not members as you claim and you Mr Ebere are a suspended former Secretary to Peoples Club of Nigeria (PCN) Caretaker Committee, where did you derive your imagined powers to issue illegal directives to Branches which "are not members of the club (Peoples Club of Nigeria)", but only members of Peoples Club of Nigeria International? I am sure I am not the only one seeing the oxymoron abound in your confusion.

6. If we are not members of Peoples Club of Nigeria as you claimed, where did you and your fellow travelers derive the mythical powers to mislead Patron Iddi Mgbako to, as a PCNI Agent single-handedly and illegally withdraw \$24,227.00 from PCNI Account in New Jersey USA? Is USA now same as Nigeria in your imaginary definition when money is involved?

Having carefully reviewed your other activities since 2012 and I am shocked to further observe as follows:

1. That you Elder Smart Ebere, engaged in illegal role that resulted in the spurious termination of the membership of our esteemed Deputy Chairman of the Board of Trustee (Eze Desmond Oguguo). Your action was calculated to humiliate him and in so doing bring the name of our Club into disrepute in violation of PCNI Constitution 1979, section 17, subsection (iv).

2. That you Elder Smart Ebere, filed a false deposition under oath at the Federal High Court at Awka claiming that US-based Patrons are NOT Members of Peoples Club of Nigeria. The official communiqué issued with documented evidence by Patron Uche Eze, has shown your claim to be not only false, but also baseless as Patron Uche Eze was inducted at PCN Owerri Branch, can you dispute this?

3. That your false claim has also been debunked by Federal High Court, Awka, ruling as quoted inter alia *"In the instant suit, from the reliefs sought and averments in the plaintiffs [Chief Marcel Ananukwa, Chief Dr. Uche Eze, Chief Dr. Fabian Eluma and Chief (Prof) Gordian Ndubizu] originating process, there is Prima Facie Proof that their rights are in danger of infringement" "It is therefore the view of the Court that the plaintiffs have the Locus Standi to institute the action"Pages 13-14: (In other*

words, the Plaintiffs are Bona fide Members of Peoples Club of Nigeria-PCN). Therefore, you Elder Smart Eberé are in violation of PCNI Constitution 1979, section 17, subsection (iii), quoting specifically, "He defrauds, dupes, cheats or makes false claims to any member of the Club or Club itself"

4. In addition to your despicable role in the termination of respectable members of the Club, filing false depositions under oath at the Federal High Court at Awka claiming that US-based Patrons and by implication PCNI members are NOT members of Peoples Club of Nigeria (the claim you repeated in your mumbled response) in violation of the afore-mentioned sections of the Club Constitution, you have constantly meddled in the internal affairs of Branches using arbitrary directives without proper authorization from the CEC; specifically writing/ signing many false directives in contempt of court decisions including canvassing for the appointment of illegal caretaker committees to overthrow constitutionally elected Branch Chairmen; proactively convincing and colluding with the appointed National caretaker executives in the usurpation of CEC powers by unilateral removal of three (3) CEC/AGM appointed National officers, illegal dissolutions of elected Club Branch Executives, illegal Suspension of elected Branch Chairmen; unconstitutionally terminating the Club membership of a National Officer based on a false premise; illegal Suspension of the Club Patrons as a retaliation for the Lawsuits and general maladministration including persistent abuse of power, harassment and intimidation of Club members in Gross Violations of the Club Constitution, sections 8, 10, 11, 13, 16, 17, 18 NEC Byelaws section 1.

5. Elder Smart Eberé, you are now suspended indefinitely from office of the Secretary for your sins against our esteemed Club coupled with your gross Violations of the Club Constitution.

6. Elder Smart Eberé, you are now Stripped of All your Illusionary Powers.

7. Elder Smart Eberé, you now placed under Constant Legal Surveillance. You are now in Serious Danger of Going to Jail (Prison) either in Nigeria or USA for your Blatant Contempt of Court and other offenses against the Law of the Land.

8. Elder Smart Eberé, if you want to contest the validity of your suspension, first visit PCNI Constitution, 1979 section 13 where you presumably derived all your illegal powers. Remember, this is the subject of the current Substantive Lawsuit, that is, there are only two registered trustees of the Club namely: HRM Igwe P.C. Ezenwa, Eze-Okpoko 1 Oba, and HRM Eze Desmond Ogugua (Miri Na Ezoro Oha 1 Eziudo Mbaise), the Chairman and Deputy Chairman of Board of Trustees respectively. Both have served out their respective total of 10-year terms as trustees as provided for in the Club Constitution [1979 section 13 subsection (c)]. In fact both have served as trustees for the past 35 years contrary to the Club Constitution and their continued stay in power has precipitated chaos and total collapse of Club due to disrespect for the

Club Constitution and rule of law. This situation is exacerbated by you, Elder Smart Ebere and your stooges who fan ambers of the chaos because you now live-off of the chaotic situation.

Let me clarify that those days of unchallenged surreptitious meetings of the cabal behind your effrontery, illegal proclamations and directives from you and your ilk are over and Peoples Club is moving on to better things and in ways that render your actions futile. Those who would rather back you in your self-destruct journey can do so at their own peril, but you can read the communiqué again and see that there are no mincing words in it. I hope mine today would have helped you with a lot of answers you desperately need. The communiqué could not have been better elucidated. It is what it is.

"MEANWHILE, YOU REMAIN SUSPENDED INDEFINITELY"

I remain,

*Chief Dr. Anayo Michael Ukeje, Agunwa,
Founding/Executive Chairman, Peoples Club of Nigeria International,
Chicago Branch, USA .*

On Wednesday, October 23, 2013 1:21 PM, aukeje <ukejema@yahoo.com> wrote:

Ezennaya1,
Please review the revised response as
discussed.

Agunwa
Mr. Elder Smart O. Ebere,

I am not sure why you totally lost it and directed your tantrum and muddled claims towards me-the messenger. Please eschew your emotions for once and look into the dynamics and content of the communiqué again and an apology may suffice. I would have normally ignored yours below as the impetuosity of a troubled mind, but because you sounded off more than personal; I have no choice than to coach you on the very obvious content and implications of the communiqué that is giving you sleepless nights. I will forgive your seeming loutishness and enlighten you and others you copied as follows:

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3. The edifice called National Headquarters of Peoples Club of Nigeria International at Onitsha-Owerri Road, the Chalets you now live-in free, the restaurant where you eat free food, the bar/bush bar where you drink free drinks and the rental facilities from your bread is buttered daily belong to all of us, not you and your stooges alone. At the appropriate time you and your stooges will be constrained to render account of your activities since January 1st, 2013.
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5. If we are not members as you claim and you are a suspended former Secretary to Peoples Club of Nigeria (PCN) Caretaker Committee, where did you derive your imagined powers to issue illegal directives to Branches which "are not members of the club (Peoples Club of Nigeria)", but only members of Peoples Club of Nigeria International?
6. If we are not members of Peoples Club of Nigeria as you claimed, where did you and your fellow travelers derive the mythical powers to mislead Patron Iddi Mgbako to, as a PCNI Agent **single-handedly and illegally** withdraw \$24,227.00 from PCNI Account in New Jersey USA? Is USA now same as Nigeria in your imaginary definition when money is involved?

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3. That your false claim has also been debunked by Federal High Court, Awka, ruling as quoted inter alia *"In the instant suit, from the reliefs sought and averments in the plaintiffs [Chief Marcel Ananukwa, Chief Dr. Uche Eze, Chief Dr. Fabian Eluma and Chief (Prof) Gordian Ndubizu] originating process, there is Prima Facie Proof that their rights are in danger of infringement" "It is therefore the view of the Court that the plaintiffs have the Locus Standi to institute the action"Pages 13-14: (In other words, the Plaintiffs are Bona fide Members of Peoples Club of Nigeria-PCN).* Therefore, you Elder Smart Ebere are in violation of PCNI Constitution 1979, section 17, subsection (iii), quoting specifically, "He defrauds, dupes, cheats or makes false claims to any member of the Club or Club itself"

4. In addition to your despicable role in the termination of respectable members of the Club, filing false depositions under oath at the Federal High Court at Awka claiming that US-based Patrons and by implication PCNI members are NOT members of Peoples Club of Nigeria (the claim you repeated in your mumbled response) in violation of the aforementioned sections of the Club Constitution, you have constantly meddled in the internal affairs of Branches using arbitrary directives without proper authorization from the CEC; specifically writing/ signing many false directives in contempt of court decisions including canvassing for the appointment of illegal caretaker committees to overthrow constitutionally elected Branch Chairmen; proactively convincing and colluding with the appointed National caretaker executives in the usurpation of CEC powers by unilateral removal of three (3) CEC/AGM appointed National officers, illegal dissolutions of elected Club Branch Executives, illegal Suspension of elected Branch Chairmen; unconstitutionally terminating the Club membership of a National Officer based on a false premise; illegal Suspension of the Club Patrons as a retaliation for the Lawsuits and general maladministration including persistent abuse of power, harassment and intimidation of Club members in Gross Violations of the Club Constitution, sections 8, 10, 11, 13, 16, 17, 18 NEC Byelaws section 1.

5. Elder Smart Ebere, you are now suspended indefinitely from office of the Secretary for your sins against our esteemed Club coupled with your gross Violations of the Club Constitution.
6. Elder Smart Ebere, you are now Striped of All your Illusionary Powers.
7. Elder Smart Ebere, you now placed under Constant Legal Surveillance. You are now in Serious Danger of Going to Jail (Prison) either in Nigeria or USA for your Blatant Contempt of Court and other offenses against the Law of the Land.
8. Elder Smart Ebere, if you want to contest the validity of your suspension, first visit PCNI Constitution, 1979 section 13 where you presumably derived all your illegal powers. Remember, this is the subject of the current Substantive Lawsuit, that is, there are only two registered trustees of the Club namely: HRM Igwe P.C. Ezenwa, Eze-Okpoko 1 Oba, and HRM Eze Desmond Ogugua (Miri Na Ezoro Oha 1 Eziudo Mbaise), the Chairman and Deputy Chairman of Board of Trustees respectively. Both have served out their respective total of 10-year terms as trustees as provided for in the Club Constitution [1979 section 13 subsection (c)]. In fact both have served as trustees for the past 35 years contrary to the Club Constitution and their continued stay in power has precipitated chaos and total collapse of Club due to disrespect for the Club Constitution and rule of law. This situation is exacerbated by you, Elder Smart Ebere and your stooges who fan ambers of the chaos because you now live-off of the chaotic situation.

Let me clarify that those days of unchallenged surreptitious meetings of the cabal behind your effrontery, illegal proclamations and directives from you and your ilk are over and Peoples Club is moving on to better things and in ways that render your actions futile. Those who would rather back you in your self-destruct journey can do so at their own peril, but you can read the communiqué again and see that there are no mincing words in it. I hope mine today will help you with a lot of answers you desperately need. The communiqué could not have been better elucidated.

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I remain,

*Chief Dr. Anayo Michael Ukeje, Agunwa,
Founding/Executive Chairman, Peoples Club of Nigeria International,
Chicago Branch, USA .*

From: Kennedy Nwalozie <obino10k@yahoo.com>
To: Anayo Mike Ukeje <ukejema@yahoo.com>
Sent: Wednesday, October 23, 2013 12:29 PM
Subject: response

Mr Elder Smart Ebere,
Greetings!

I am not sure why you totally lost it and directed your tantrum and muddled claims towards. Please eschew your emotions for once and look into the dynamics and content of the communicate again and an apology may suffice. I would have normally ignored yours below as the impetuosity of a troubled mind, but because you sounded off more than personal; I have no choice than to coach you on the very obvious content and implications of the communicate that is giving you sleepless nights. I will forgive your seeming loutishness and enlighten you and others you copied as follows:

A careful review of your activities since 2012 has revealed the following:

1

That you Elder Smart Ebere did engage in illegal role that resulted in the spurious termination of the membership of our esteemed Deputy Chairman of the Board of Trustee (Eze Desmond Oguguo), calculated to humiliate him and in so doing bring the name of our Club into disrepute in violation of PCNI Constitution 1979, section 17, subsection (iv).

2. That you Elder Smart filed a false deposition under oath at the Federal High Court at Awka claiming that US-based Patrons are NOT members of Peoples Club of Nigeria. The official communiqué issued with documented evidence by Patron Uche Eze, has shown Ebere's claim not only to be false, but also baseless as Patron Uche Eze was inducted at PCN Owerri Branch. This false claim has also been debunked by Federal High Court, Awka, ruling quoted inter alia *"In the instant suit, from the reliefs sought and averments in the plaintiffs [Chief Marcel Ananukwa, Chief Dr. Uche Eze, Chief Dr. Fabian Eluma and Chief (Prof) Gordian Ndubizu] originating process, there is Prima Facie Proof that their rights are in danger of infringement" "It is therefore the view of the Court that the plaintiffs have the Locus Standi to institute the action"Pages 13-14: (In other words, the Plaintiffs are Bona fide Members of Peoples Club of Nigeria-PCN).* Therefore, Smart, you are in violation of PCNI Constitution 1979, section 17, subsection (iii), specifically "He

defrauds, dupes, cheats or makes false claims to any member of the Club or Club itself"

In addition to your despicable role in the termination of respectable members of the Club, filing false depositions under oath at the Federal High Court at Awka claiming that US-based Patrons and by implication PCNI members are NOT members of Peoples Club of Nigeria (the claim you repeated in your mumbled response) in violation of the afore-mentioned sections of the Club Constitution, you have constantly meddled in the internal affairs of Branches using arbitrary directives without proper authorization from the CEC; specifically writing/ signing many false directives in contempt of court decisions including approving the appointment of illegal caretaker committees to overthrow constitutionally elected Branch Chairmen; proactively convincing and colluding with the appointed national caretaker executives in the usurpation of CEC powers by unilateral removal of three (3) CEC/AGM appointed National officers, illegal dissolutions of elected Club Branch Executives, illegal Suspension of elected Branch Chairmen; unconstitutionally terminating the Club membership of a National Officer based on a false premise and general maladministration including persistent abuse of power, harassment and intimidation of Club members including threatening mental and physical harm to members in Gross Violations of the Club Constitution, sections 8, 10, 11, 13, 16, 17, 18 NEC Byelaws section 1. The suspended National officers have up to the next CEC meeting to appear in person at the CEC meeting to defend themselves and/or show why their suspensions should not be sustained and/or be indefinite.

Elder Smart O. Ebere, you are suspended indefinitely from office in view your gross Violations of the Club Constitution and if you want to contest the validity of your suspension, first visit PCNI constitution, 1979 section 13 where you presumably derived all your illegal powers and then see the stats in the Washington DC Communiqué or go Court.

Let me clarify that those days of unchallenged surreptitious meetings of the cabal behind your effrontery, illegal proclamations and directives from you and your ilk are over and Peoples Club is moving on to better things and in ways that render your actions effeminate. Those who would rather back you in your self-destruct journey can do so at their

own peril, but you can read the communique again and see there are no mincing words in it. I hope mine today will help you with a lot of answers you desperately need. The communique could not have been better elucidated.

“MEANWHILE, YOU REMAIN SUSPENDED INDEFINITELY”

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE FEDERAL HIGH COURT OF AWKA JUDICIAL DIVISION
HOLDEN AT AWKA

SUIT NO: FHC/AWK/CS/_____/2013

BETWEEN:

1. Chief Basil Ofole (JP)
2. Chief Dr. Alloysus Uchegbulam Eze
3. Chief Dr. Fabian Eluma
4. Chief (Prof.) Gordian Ndubuizu
5. Chief Engr. Paul N. Ezeuka
*(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, Princeton Junction Branch)*
6. Chief, Dr. Alphonsus Okpara
*(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, Houston Branch)*
7. Chief, Dr. Evaristus Chidi Nwaogu
*(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, Washington DC Branch)*
8. Chief, Dr. Emma Obiesie
*(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, Miami Branch)*
9. Captain Henry Onwuachu
*(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, Toronto Branch)*
10. Chief, Prof. Innocent Ekeh
*(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, San Francisco Branch)*
11. Chief, Dr. Anayo Ukeje
*(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, Chicago Branch)*

Plaintiffs

16



12. Prof. Chukwima Achebe
*(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, San Antonio Branch)*
13. Chief Eddie Osuagwu
*(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, Arlington Branch)*

AND

1. Hon. Elder Smart O. Ehere
2. Dr. Gabby Nwankwo
3. Chief (Barr.) L. O. Arinze
4. Chief (Barr.) F. O. Onyebueke
5. Chief F. N. Okekearu
6. Chief J. O. Igwe
7. Chief M. O. Arinze
8. Chief (Sir) J. I. Ilonze
9. Chief G. U. Ezeji
10. Ichere Onyekachi Okoro
11. The Incorporated Trustees of People's Club of Nigeria
(The Registered Trustees of People's Club of Nigeria)

Defendants


LIST OF WITNESS

1. Chief Basil Ofole

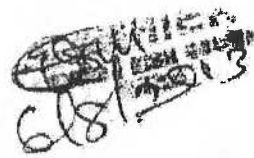
LIST OF DOCUMENTS

1. Certified True Copy of the Certificate of the particulars of trustees of Peoples Club of Nigeria.
2. Certified True Copy of the Constitution of Peoples Club of Nigeria.
3. Originating processes in Suit No. FHC/AWK/CS/24/2013 Between Chief Marcel Ananukwa & Ors v. HRM Igwe P. C. Ezenwa (MFR) & Ors.
4. 1st Defendant's letter to all the branches of Peoples Club of Nigeria calling on them to denounce the action already pending in court or face sanctions.
5. Letter dated 20/7/2013

Dated this 30th day of July, 2013


Arthur Odu Drake, SAN, FCI Arb.
For: Arthur Odu Drake, SAN & Associates
Counsel to the Plaintiffs/Applicants
Whose Address for service is
No. 2 Elochikwu Street
Off 2nd Army Gate Barracks Gate
Onitsha

For Service on:
1st - 11th Defendants
Peoples Club Secretariat
Onitsha - Owerri Road
Onitsha.



SERVICE COPY

FORM 1
(O. 3, r.4)

General Form of Writ Summons

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE FEDERAL HIGH COURT OF AWKA JUDICIAL DIVISION
HOLDEN AT AWKA

SUIT NO: FHC/AWK/CS/202/2013

BETWEEN:

1. Chief Basil Ofole (JP)
2. Chief Dr. Alloysus Uchegbulam Eze
3. Chief Dr. Fabian Eluma
4. Chief (Prof.) Gordian Ndubuizu
5. Chief Engr. Paul N. Ezeuka
(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, Princeton Junction Branch)
6. Chief, Dr. Alphonsus Okpara
(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, Houston Branch)
7. Chief, Dr. Evaristus Chidi Nwaogu
(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, Washington DC Branch)
8. Chief, Dr. Emma Obiesie
(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, Miami Branch)
9. Captain Henry Onwuachu
(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, Toronto Branch)
10. Chief, Prof. Innocent Ekeh
(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, San Francisco Branch)
11. Chief, Dr. Anayo Ukeje
(For himself and as representing members

FILED
JUL 10 2013
CLERK OF COURT

Plaintiffs

*of the Executive Committee of Peoples
Club of Nigeria, Chicago Branch)*

12. Prof. Chukwuma Achebe
*(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, San Antonio Branch)*
13. Chief Eddie Osuagwu
*(For himself and as representing members
of the Executive Committee of Peoples
Club of Nigeria, Arlington Branch)*

AND

1. Hon. Elder Smart O. Ebere
2. Dr. Gabby Nwankwo
3. Chief (Barr.) L. O. Arinze
4. Chief (Barr.) F. O. Onyebueke
5. Chief F. N. Okekearu
6. Chief J. O. Igwe
7. Chief M. O. Arinze
8. Chief (Sir) J. I. Ilonze
9. Chief G. U. Ezeji
10. Ichere Onyekachi Okoro
11. The Incorporated Trustees of People's Club of Nigeria
(The Registered Trustees of People's Club of Nigeria)

Defendants

TO:

1. Hon. Elder Smart O. Ebere
2. Dr. Gabby Nwankwo
3. Chief (Barr.) L. O. Arinze
4. Chief (Barr.) F. O. Onyebueke
5. Chief F. N. Okekearu
6. Chief J. O. Igwe
7. Chief M. O. Arinze
8. Chief (Sir) J. I. Ilonze
9. Chief G. U. Ezeji
10. Ichere Onyekachi Okoro
11. The Incorporated Trustees of People's Club of Nigeria
(The Registered Trustees of People's Club of Nigeria)

of Peoples Club Secretariat, Onitsha — Owerri Road, Onitsha, Anambra
State, Nigeria.

You are hereby commanded that within thirty days after the service of this
writ on you, inclusive of the day of such service you do cause an

appearance to be entered for you in an action at the suit of Plaintiffs (named above), and take notice that in default of your so doing the Plaintiffs may proceed therein, and judgment may be given in your absence.

Dated this 16th Day of Sept., 2013


JUDGE

Memorandum to be subscribed on the writ

N.B:

This writ is to be served within twelve calendar months from the date thereof or, if renewed, within six calendar months from the date of the last renewal, including the day of such date, and not afterwards. The Defendants may enter appearance personally or by Legal Practitioner either by handing in the appropriate forms, duly completed, at the Registry of the Federal High Court of the Judicial Division in which the action is brought or by sending them to the Registry by registered post.

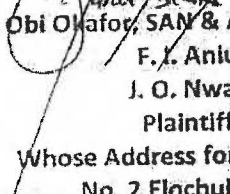
Endorsement to be made on the writ before issue thereof-

The 5th – 13th Plaintiffs sue for themselves as representing members of the Executive committees of their respective branches.

The Plaintiffs' claims against the Defendants are for:

- A. **DECLARATION** that the governing body of the Peoples Club of Nigeria is constituted by the National Executive Committee of the Peoples Club of Nigeria and the general meeting of the Peoples Club of Nigeria.
- B. Declaration that in the absence of constitutionally elected National Officers of Peoples Club of Nigeria, the National Executive Committee and General meeting of the Club of Nigeria cannot lawfully operate as the governing body of the Club.
- C. Declaration that the 1st – 10th Defendants' purported President-in-Council, Governing Council and Central Executive Committee of Peoples Club of Nigeria are unconstitutional contraptions which should not exercise any functions, duties or responsibilities in Peoples Club of Nigeria.
- D. **DECLARATION** that the purported dissolution/suspension and/or threats of dissolution/suspension being issued by the 1st – 10th Defendants against the 5th – 13th Plaintiffs is null, void and of no effect whatsoever.

- E. AN ORDER restraining the 1st – 10th Defendants from carrying out the duties of National Executive Committee, suspending members, officers or patrons of the club, dissolving the executives of branches of the Peoples Club or in any other manner whatsoever interfering with the running of the branches of the Clubs or taking out disciplinary measures against members or patrons of the Club and/or undertaking the general management of the Club.


Arthur Obi Okafor, SAN & Associates
F. I. Anlukwu, Esq.
J. O. Nwankiti, Esq.
Plaintiffs' Counsel
Whose Address for Service is
No. 2 Elochukwu Street
Off 2nd Army Barracks Gate
Onitsha

The writ was issued by Arthur Obi Okafor, SAN, of Arthur Obi Okafor, SAN, & Associates of No. 2 Elochukwu Street, Onitsha whose address for service is No. 2 Elochukwu Street, Onitsha, Anambra State, Nigeria Legal Practitioner for the said Plaintiffs who reside at (C/o Peoples club secretariat, Onitsha)

Endorsement to be made on copy of writ of summons forthwith after service:

This writ was served by me at on the defendant by
(here insert mode of service) on the 20.....
Indorsed the day of 20.....

.....
(Signed)

.....
(Address)

Before the writ is issued the following certificate must be indorsed on it:

The Registry, Federal High Court.

In the Awka Judicial Division.

A sufficient affidavit in verification of the endorsement on this writ to authorize the sealing thereof has been produced to me this day of
Sept. 2013.


(Signature of Registrar)

THELAWK/28/24/2013.

FORM 7

FEDERAL COURT OF APPEAL

SUMMONS TO PARTIES BY REGISTRAR TO SETTLE RECORD

Between HRM KWT P.C. EZEKWA ^{ORDER 8 RULE 7} 10 ors Appellant

And CHIEF MARCEL ANANUKA 3 ors Respondent

TAKE NOTICE that all parties concerned are required to attend before me at the Court office at

FHC THURSDAY 19th day of SEPT 2013

at the hour of 10:00am in the 12:00pm noon to proceed

With settling of the record of the cause herein.

Dated this 16th day of SEPT 2013

REGISTRAR

REGISTRAR
FEDERAL HIGH COURT
AWKA

Peoples Club

1			- - - - -
			E R R A T A [1 of 3]
2			- - - - -
3	PAGE	LINE	CHANGE
4	<u>7</u>	<u>6</u>	<u>"Inspiron" to "Hospira"</u>
5	<u>7</u>	<u>8</u>	<u>Catlon" to "Catalent</u>
6	<u>7</u>	<u>10</u>	<u>"Nastich" to "Nastech" and delete "involved"</u>
7	<u>7</u>	<u>11</u>	<u>"N-A-S-T-I-C-T-H", "Nastich" to "N-A-S-T-E-C-H, Nastech"</u>
8	<u>8</u>	<u>1</u>	<u>Change "for cause" to "focused"</u>
9	<u>9</u>	<u>2</u>	<u>"As a-- as a --" to "As a member"</u>
10	<u>9</u>	<u>3</u>	<u>"I'm happy" to "I helped"</u>
11	<u>9</u>	<u>8</u>	<u>"which order" to "with other"</u>
12	<u>9</u>	<u>14</u>	<u>"O-N-I-T-C-H-A" to "O-N-I-T-S-H-A"</u>
13	<u>10</u>	<u>2</u>	<u>Delete "trade"</u>
14	<u>10</u>	<u>5</u>	<u>"Commentaries" to "Committees"</u>
15	<u>11</u>	<u>11</u>	<u>"Their" to "The"</u>
16	<u>11</u>	<u>24</u>	<u>"of" to "at"</u>
17	<u>13</u>	<u>17</u>	<u>"chartering of inductions" to chartering and inductions"</u>
18	<u>13</u>	<u>18</u>	<u>"chartering of inductions" to "chartering and inductions"</u>
19	<u>15</u>	<u>25</u>	<u>PC "Ezenwa"</u>
20	<u>16</u>	<u>10</u>	<u>"Scattered" to "Scheduled"</u>
21	<u>17</u>	<u>15</u>	<u>"Finding" to "Saying"</u>
22	<u>17</u>	<u>19</u>	<u>"literary" to "retaliatory"</u>
23	<u>17</u>	<u>20</u>	<u>"Felt" to "Failed" and "fired" to "filed"</u>
24	<u>17</u>	<u>22</u>	<u>"Suspicion" to "Suspension"</u>

[Signature] 01/30/16

1			- - - - -
			E R R A T A [2 of 3]
2			- - - - -
3	PAGE	LINE	CHANGE
4	<u>18</u>	<u>22</u>	"NY" to "Annual"
5	<u>21</u>	<u>19</u>	"It was the legal" to "He"
6	<u>21</u>	<u>20</u>	"Present" to "appointed by" and "it" to "The other"
7	<u>21</u>	<u>21</u>	"Onyechmaeke" to "Onyemaeke"
8	<u>21</u>	<u>25</u>	"O-N-Y-E-C-H-M-A-E-K-E, Onyechmaeke" to O-N-Y-E-M-A-E-K-E, Onyemaeke"
9	<u>22</u>	<u>13</u>	Delete "still"
10	<u>22</u>	<u>14</u>	"this" to "Chicago Branch"
11	<u>25</u>	<u>7</u>	"PCNI" to "Ezenwa"
12	<u>25</u>	<u>8</u>	"Solved" to "Served"
13	<u>25</u>	<u>10</u>	"The PCNI" to "The PC Ezenwa"
14	<u>25</u>	<u>14</u>	"PCNI's" to "PC Ezenwa"
15	<u>25</u>	<u>25</u>	"Oguguo" to "Ezenwa"
16	<u>27</u>	<u>13</u>	Delete "Of the" and Change "Contending" to "Containing"
17	<u>27</u>	<u>15</u>	"Nwigwe" to "Iwuchukwu"
18	<u>30</u>	<u>12</u>	"Iwuchukwu" to "Onwuachu"
19	<u>30</u>	<u>13</u>	"Okechechuukwu" to "Okechukwu"
20	<u>31</u>	<u>24</u>	"Okeje" to "Ukeje"
21	<u>33</u>	<u>24</u>	"--" to "Ndubizu"
22	<u>38</u>	<u>18</u>	"Considered" to "Constituted"
23	<u>38</u>	<u>21</u>	Delete "and the"
24	<u>38</u>	<u>22</u>	Delete "general--" and change "of" to "in"

[Signature] 01/30/16

1

E R R A T A [3 of 3]

2

3

PAGE LINE CHANGE

4

39

12

Delete " that we"

5

39

13

Delete "are"

6

40

1

Delete "maybe" and change "solve" to "resolve"

7

40

2

Delete "hat one that we are handing "

8

40

3

: Delete "-- face"

9

40

8

"solved" to "resolved" and change "exist" to "expulsion"

10

42

18

"his" to "this"

11

43

8

"to--" to "together"

12

48

1

"Constitution" to "Constitutional"
"The --" to "He was chosen " and delete "and";

13

49

10

change "covenant" to "convenient"

14

49

13

Add "is" after lawyer

15

16

17

18

19


20

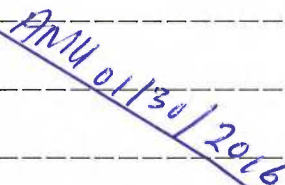
21

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 01/30/16

 01/30/2016

ACKNOWLEDGMENT OF DEPONENT

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I, ANAYO MICHAEL UKEJE do
hereby certify that I have read the
foregoing pages, 1 - PGS, and that the
same is a correct transcription of the
answers given by me to the questions
therein propounded, except for the
corrections or changes in form or
substance, if any, noted in the attached
Errata Sheet.

ANAYO MICHAEL UKEJE 01/30/2016
WITNESS NAME DATE

Subscribed and sworn
to before me this
30 day of January, 2016.

My commission expires: 12.10.2018

[Signature]
Notary Public

